

MAY 11 2016

US DISTRICT COURT
WESTERN DISTRICT OF NC

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:16-cv-295-FDW-DCK

CRYSTAL ESCHERT,

Plaintiff,

vs.

CITY OF CHARLOTTE,

Defendant.

VERDICT FORM

QUESTION ONE
(First Amendment Claim)

- a. Were Plaintiff's complaints about the 1517 North Graham Street building a motivating factor in Defendant's decision to terminate her employment?

☒ YES ☐ NO

If you answered "no" to Question 1(a), then skip Questions 1(b) through 1(e), and proceed to Question 2.

- b. If you answered question 1(a) "yes," has Defendant proven by a preponderance of the evidence that it would have terminated Plaintiff's employment even in the absence of Plaintiff's reported concerns about the 1517 North Graham Street building?

☐ YES ☒ NO

If you answered "no" to Question 1(b), then answer questions 1(c), 1(d), and 1(e). If you answered "yes" to question 1(b), then skip 1(c), 1(d), and 1(e) and proceed to Question 2.

- c. If you answered "no" to question 1(b), what amount of damages is Plaintiff entitled to recover from Defendant? (You must award at least the nominal amount of One Dollar (\$1.00)).

\$ 309,692.

(Write out amount in words) Three hundred Nine thousand Six hundred
Ninety two

- d. Is it reasonable to believe that Plaintiff's concerns about the 1517 North Graham Street building caused, or could have caused, disharmony or disruption in the workplace?

☒ YES ☐ NO

- e. Is it reasonable to believe that Plaintiff's reported concerns about the 1517 North Graham Street building impaired her ability to perform her duties?

☐ YES ☒ NO

QUESTION TWO
(North Carolina Constitution Claim)

- a. Were Plaintiff's complaints about the 1517 North Graham Street building a motivating factor in Defendant's decision to terminate her employment?

☒ YES ☐ NO

If you answered "no" to Question 2(a), then skip Questions 2(b) through 2(e), and proceed to Question 3.

- b. If you answered question 2(a) "yes," has Defendant proven by a preponderance of the evidence that it would have terminated Plaintiff's employment even in the absence of Plaintiff's reported concerns about the 1517 North Graham Street building?

☐ YES ☒ NO

If you answered "no" to Question 2(b), then answer questions 2(c), 2(d), and 2(e). If you answered "yes" to question 2(b), then skip 2(c), 2(d), and 2(e), and proceed to Question 3.

- c. If you answered "no" to question 2(b), what amount of damages is Plaintiff entitled to recover from Defendant? (You must award at least the nominal amount of One Dollar (\$1.00)).

\$ 309,692

(Write out amount in words) Three hundred nine thousand Six hundred ninety two

- d. Is it reasonable to believe that Plaintiff's concerns about the 1517 North Graham Street building caused, or could have caused, disharmony or disruption in the workplace?

☒ YES ☐ NO

- e. Is it reasonable to believe that Plaintiff's reported concerns about the 1517 North Graham Street building impaired her ability to perform her duties?

_____ YES ✓ _____ NO

QUESTION THREE
(Retaliation Claim)

- a. Did Plaintiff prove that Defendant retaliated against her for complaining about the 1517 North Graham Street building?

✓ _____ YES _____ NO

- b. If you answered "yes" to question 3(a), what amount of damages is Plaintiff entitled to recover from Defendant? (You must award at least the nominal amount of One Dollar (\$1.00)).

\$ 464,538.

(Write out amount in words) Four hundred Sixty four thousand, five hundred thirty eight

QUESTION FOUR
(Wrongful Discharge for Retaliation Claim)

- a. Did Plaintiff prove that Defendant retaliated against her for complaining about the 1517 North Graham Street building?

✓ _____ YES _____ NO

- b. If you answered "yes" to question 4(a), what amount of damages is Plaintiff entitled to recover from Defendant? (You must award at least the nominal amount of One Dollar (\$1.00)).

\$ 464,538.

(Write out amount in words) Four hundred Sixty four thousand, five hundred thirty eight

QUESTION FIVE
(Federal Title VII Gender Discrimination Claim)

- a. Did Defendant intentionally discriminate against Plaintiff because of her sex when it terminated her employment?

_____ YES ☒ NO

- b. If you answered "yes" to question 5(a), what amount of damages is Plaintiff entitled to recover from Defendant? (You must award at least the nominal amount of One Dollar (\$1.00)).

\$ _____

(Write out amount in words) _____

QUESTION SIX
(State Wrongful Discharge Claim Based on Sex)

- a. Did Defendant intentionally discriminate against Plaintiff because of her sex when it terminated her employment?

_____ YES ☒ NO

- b. If you answered "yes" to question 6(a), what amount of damages is Plaintiff entitled to recover from Defendant? (You must award at least the nominal amount of One Dollar (\$1.00)).

\$ _____

(Write out amount in words) _____

You may end your deliberations.

Dated this the 11 day of May, 2017.